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OFFICE OF PETITIONS

In re Application of
Ricky K.C. Yeung
Application No. 09/929,271
Filed: August 15, 2001
Attorney Docket No. 24753

ON PETITION

This is a decision on the petition, filed January 24, 2005 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office Action mailed March 15, 2004. An amendment filed May 27, 2004 was considered and the applicant was advised in an advisory action mailed June 9, 2004 that the amendment did not place the application in condition for allowance. A second amendment was filed September 14, 2004 which again did not place the application in condition for allowance and thus another advisory action was mailed September 29, 2004. A petition under 37 CFR 1.137(a) was filed October 12, 2004 and dismissed in a decision mailed November 17, 2004 because the response filed did not place the application in condition for allowance and because no evidence of unavoidable delay was submitted. This decision again precedes the mailing of the Notice of Abandonment.

Comes now petitioner with this petition under the unintentional standard.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

A Request for Continued Examination (RCE) and an amendment are submitted with the petition in response to the Final Office action and in compliance with 37 CFR 1.114. The RCE fee has been applied. The petition fee however, for a petition under 37 CFR 1.137(a) is set at \$750.00. The check in the amount of \$250.00 has been applied and petitioner's deposit account (Account No. 06-0515) has been charged in the amount of \$500.00.

This matter is being forwarded to Technology Center 1761 for processing of the RCE and amendment.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions